

EXHIBIT E

MICHAEL NICHOLAS LAZZO

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BOURNE CO.,
Plaintiff,

CIVIL ACTION FILE

vs.

NO. 07 Civ 8580 (DAB)

TWENTIETH CENTURY FOX FILM
CORPORATION, FOX BROADCASTING
COMPANY, TWENTIETH CENTURY FOX
TELEVISION, INC., TWENTIETH CENTURY
FOX HOME ENTERTAINMENT, INC., FUZZY
DOOR PRODUCTIONS, INC., THE CARTOON
NETWORK, INC., SETH MACFARLANE,
WALTER MURPHY,
Defendants.

DEPOSITION OF
MICHAEL NICHOLAS LAZZO

March 13, 2008
10:59 a.m.

600 Peachtree Street, NE
Suite 5200
Atlanta, Georgia

Jennifer D. Hamon, CCR-B-2287, RPR

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<p>1 Q. What other ones?</p> <p>2 A. TBS, I believe. That's it.</p> <p>3 Q. When did TBS start telecasting</p> <p>4 "Family Guy"?</p> <p>5 A. I'm not sure of the exact date.</p> <p>6 Q. Roughly? Do you have a year?</p> <p>7 A. I believe sometime in 2004. I don't</p> <p>8 know exactly.</p> <p>9 Q. Was it before or after Fox started</p> <p>10 broadcasting "Family Guy" again?</p> <p>11 A. Again? It would have been after, I</p> <p>12 believe.</p> <p>13 Q. Do you have any responsibilities</p> <p>14 with respect to the TBS telecasting of "Family</p> <p>15 Guy"?</p> <p>16 A. No.</p> <p>17 Q. So you testified already that</p> <p>18 Cartoon Network telecast an episode known as</p> <p>19 "When You Wish Upon a Weinstein" or "Wish Upon</p> <p>20 a Weinstein"; correct?</p> <p>21 A. Correct.</p> <p>22 Q. And when was the first telecast of</p> <p>23 the episode?</p> <p>24 A. November 9th, 2003.</p> <p>25 Q. How many times to date has the</p>	<p>1 through music streaming services or ringtones</p> <p>2 or video games?</p> <p>3 A. Not through Adult Swim or Cartoon</p> <p>4 Network.</p> <p>5 Q. Do you know --</p> <p>6 A. I do not know.</p> <p>7 Q. Does the distribution through these</p> <p>8 clips on the Adult Swim website -- do the</p> <p>9 clips change? Are they swapped in and out?</p> <p>10 Does it just build a library? How is that</p> <p>11 maintained?</p> <p>12 MR. RIMOKH: Objection.</p> <p>13 Q. (By Ms. Stark) You can answer.</p> <p>14 A. We rotate clips -- very often group</p> <p>15 them as to theme. Like Valentine's Day, we</p> <p>16 would have love moments from "Family Guy,"</p> <p>17 comical love moments, that kind of thing.</p> <p>18 Q. Is Cartoon Network involved in the</p> <p>19 distribution of the "Family Guy" DVD?</p> <p>20 A. No.</p> <p>21 (Deposition in recess, 11:11 a.m. to</p> <p>22 11:13 a.m.)</p> <p>23 Q. (By Ms. Stark) Before Cartoon</p> <p>24 Network's first telecast of the episode -- and</p> <p>25 for ease of reference, when I talk about the</p>
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<p>1 episode been telecast for Cartoon Network?</p> <p>2 A. I believe it's 36 times.</p> <p>3 Q. And is there a song in the episode</p> <p>4 called "I Need a Jew"?</p> <p>5 A. I believe that's the title of it.</p> <p>6 Q. You're familiar with the song.</p> <p>7 A. Yes.</p> <p>8 Q. Other than telecasts, has Cartoon</p> <p>9 Network distributed the episode in any other</p> <p>10 ways, for example, on the Internet or in</p> <p>11 ringtones or video games or anything like</p> <p>12 that?</p> <p>13 A. We have clipped the "Family Guy"</p> <p>14 programming on the Internet, offered clips to</p> <p>15 our website.</p> <p>16 Q. What website is that?</p> <p>17 A. Adultswim.com.</p> <p>18 Q. So the entire episode is available?</p> <p>19 A. No.</p> <p>20 Q. Portions?</p> <p>21 A. Portions.</p> <p>22 Q. Do you know whether the song "I Need</p> <p>23 a Jew" is available on the Adult Swim website?</p> <p>24 A. I do not believe it is.</p> <p>25 Q. Is the song "I Need a Jew" available</p>	<p>1 "episode," we're talking about the Weinstein</p> <p>2 episode, just so I don't have to keep saying</p> <p>3 the whole thing over and over again.</p> <p>4 Before the first telecast of the</p> <p>5 episode, did it air on Fox?</p> <p>6 A. No.</p> <p>7 Q. Do you know why?</p> <p>8 A. In talking with Seth, he said that</p> <p>9 the management of Fox had issues with some of</p> <p>10 the content within the episode.</p> <p>11 Q. When did you speak with -- are you</p> <p>12 talking about Seth MacFarlane?</p> <p>13 A. Yes.</p> <p>14 Q. When did you speak with Seth</p> <p>15 MacFarlane about this?</p> <p>16 A. This would have been at some point</p> <p>17 after we started airing "Family Guy" in May.</p> <p>18 Q. Did Seth tell you specifically what</p> <p>19 problems Fox had with the episode?</p> <p>20 A. He said that they had a problem with</p> <p>21 the religious aspects of the show.</p> <p>22 Q. Did he talk to you about the song "I</p> <p>23 Need a Jew"?</p> <p>24 A. No. He talked to me about the</p> <p>25 episode in general.</p>

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<p>1 put it on the cover?</p> <p>2 MS. STARK: I think you should put</p> <p>3 it on the cover. That's a good idea.</p> <p>4 MR. RIMOKH: Why don't you put it on</p> <p>5 the disk.</p> <p>6 MS. STARK: Put it on the disk.</p> <p>7 Jacques is running the deposition,</p> <p>8 obviously.</p> <p>9 MR. RIMOKH: I don't really care.</p> <p>10 It doesn't matter to me.</p> <p>11 MS. STARK: I think there may be a</p> <p>12 problem if you put it on the disk and</p> <p>13 someone tries to play it. So I would</p> <p>14 prefer it on the cover.</p> <p>15 (Whereupon a document was identified</p> <p>16 as Plaintiff's Exhibit 42.)</p> <p>17 MS. STARK: So we're marking</p> <p>18 Plaintiff's Exhibit 42, and this is a DVD</p> <p>19 produced by Cartoon Network, "When You</p> <p>20 Wish Upon a Weinstein" Adult Swim cards.</p> <p>21 These are bumps August 2003 to July 2004.</p> <p>22 And it's Bates No. TCN-00157.</p> <p>23 I'm going to attempt to play the</p> <p>24 DVD.</p> <p>25 I think you should just transcribe</p>	<p>1 And it says "Lazzo/Cahill."</p> <p>2 So tell me: Does that mean you</p> <p>3 produced this particular bump?</p> <p>4 A. Mike Lazzo and Michael Cahill</p> <p>5 produced that particular bump.</p> <p>6 Q. So now I'm going to play the bump.</p> <p>7 (Playing DVD.)</p> <p>8 So I just paused it at the first</p> <p>9 screen, and I will read it into the record.</p> <p>10 It says, "The following program contains</p> <p>11 content that some viewers may find</p> <p>12 objectionable."</p> <p>13 And then in the bottom right corner,</p> <p>14 in parentheses, it says "Adult Swim."</p> <p>15 So can you tell me about this card</p> <p>16 and this bump.</p> <p>17 A. We occasionally air that type of</p> <p>18 disclaimer within the block at the top of</p> <p>19 every hour to alert viewers that some of our</p> <p>20 material is for mature audiences. So that's</p> <p>21 just a fairly standard disclaimer like you</p> <p>22 would see on many television -- preceding many</p> <p>23 television shows.</p> <p>24 Q. So is it fair to say that although</p> <p>25 Cartoon Network decided to air the Weinstein</p>
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<p>1 our conversation, and then if we need</p> <p>2 to -- that's the music, but I can't see</p> <p>3 it. I got it to work last night. Let's</p> <p>4 see if we can get this -- here we go.</p> <p>5 Q. (By Ms. Stark) (Playing DVD.) I'm</p> <p>6 just pausing here. Can you see this?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. Great.</p> <p>9 Can you tell me what this is on the</p> <p>10 screen here.</p> <p>11 A. That is a production slate preceding</p> <p>12 material that we would put on air.</p> <p>13 Q. So for the record, this production</p> <p>14 slate, it's got a number of identifying pieces</p> <p>15 of information. At the very top, it says</p> <p>16 "house," and then it says 629742 on it, and</p> <p>17 we'll use that as an identification of this</p> <p>18 particular slate.</p> <p>19 And then one, two, three, four, five</p> <p>20 six -- and the title is called "as open"?</p> <p>21 A. Adult Swim.</p> <p>22 Q. "Adult Swim Open."</p> <p>23 And it says "production edit" here?</p> <p>24 A. Producer/editor.</p> <p>25 Q. "Producer/editor."</p>	<p>1 episode, they felt that a disclaimer was still</p> <p>2 necessary?</p> <p>3 A. Yes.</p> <p>4 Q. Can you explain that reasoning to</p> <p>5 me.</p> <p>6 A. Well, for, you know, any number of</p> <p>7 shows, we occasionally air disclaimers</p> <p>8 alerting viewers about mature content, like</p> <p>9 many television networks, including NBC.</p> <p>10 You know, it's just a fairly</p> <p>11 standard operating procedure to air</p> <p>12 disclaimers in front of programming. In fact,</p> <p>13 we air disclaimers in front of our block when</p> <p>14 it signs on at 11:00 every night.</p> <p>15 Q. So you're saying "mature content."</p> <p>16 What was the mature content in the Weinstein</p> <p>17 episode?</p> <p>18 A. Well, we're just -- we're trying to</p> <p>19 differentiate -- we program to an 18-year-old</p> <p>20 audience and older. So we're, in essence, by</p> <p>21 day Cartoon Network and by night a young adult</p> <p>22 audience. So we, in a standard way,</p> <p>23 differentiate our block by running</p> <p>24 disclaimers.</p> <p>25 Q. Do you run this bump in front of</p>

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<p>1 every "Family Guy" telecast?</p> <p>2 A. No. We run this bump at 11:00, in</p> <p>3 front of whatever program might be there.</p> <p>4 Right now, that's "Family Guy," but it used to</p> <p>5 be "Futurama." Prior to that, it was home</p> <p>6 movies. It's a rotating collection of shows.</p> <p>7 Q. Does this bump run -- not this bump,</p> <p>8 because it says Cartoon Network. Does a</p> <p>9 similar bump run in front of "Family Guy" on</p> <p>10 TBS?</p> <p>11 A. I don't know.</p> <p>12 Q. So is it your testimony that this</p> <p>13 bump really has nothing to do with the</p> <p>14 Weinstein episode?</p> <p>15 A. If it aired in front of the</p> <p>16 Weinstein episode -- you know, I don't recall</p> <p>17 whether we ran a specific disclaimer in front</p> <p>18 of the Weinstein episode or not. It would not</p> <p>19 surprise me if we did, however.</p> <p>20 Q. And why is that?</p> <p>21 A. We like to alert our audience that</p> <p>22 sometimes the content of a specific show is</p> <p>23 for mature audiences. We would do that for</p> <p>24 any number of our programs.</p> <p>25 Q. Let's look at the next card.</p>	<p>1 to what the name of the episode is.</p> <p>2 Q. (By Ms. Stark) So is it your</p> <p>3 testimony that you have no clear recollection</p> <p>4 as to the decision to create this custom card?</p> <p>5 A. I don't remember making it, however,</p> <p>6 we clearly did.</p> <p>7 (Deposition in recess, 11:35 a.m. to</p> <p>8 11:45 a.m.)</p> <p>9 Q. (By Ms. Stark) So did Cartoon</p> <p>10 Network receive complaints regarding the</p> <p>11 episode after it aired?</p> <p>12 A. Not to my knowledge.</p> <p>13 Q. You're speaking on behalf of the</p> <p>14 company. Did you educate yourself as to</p> <p>15 whether there were any?</p> <p>16 A. I always get phone calls when we</p> <p>17 have what I would consider a notable number of</p> <p>18 complaints. And in this particular case, I</p> <p>19 did not get that phone call saying that we had</p> <p>20 received a number of complaints and that we</p> <p>21 should look into this.</p> <p>22 Q. What is the median age of a "Family</p> <p>23 Guy" viewer?</p> <p>24 MR. RIMOKH: Objection.</p> <p>25 Q. (By Ms. Stark) You can answer.</p>
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<p>1 (Playing DVD.) So does this second card</p> <p>2 refresh your recollection with respect to</p> <p>3 running this bump in front of Weinstein and</p> <p>4 the specific reasons --</p> <p>5 A. Yes.</p> <p>6 Q. So tell me what your recollection is</p> <p>7 now.</p> <p>8 A. Well, I don't exactly remember the</p> <p>9 card, however, we clearly produced it. We</p> <p>10 make packaging like this every week for every</p> <p>11 night. So we make a lot of these cards. This</p> <p>12 is a disclaimer-type card which we have run in</p> <p>13 the past for other shows, and this one is</p> <p>14 specific to that episode.</p> <p>15 MS. STARK: Let me just state -- I'm</p> <p>16 sorry -- for the record that this second</p> <p>17 part of this bump is a card that states,</p> <p>18 "The views expressed in, quote, When You</p> <p>19 Wish Upon a Weinstein, end quote, are</p> <p>20 comedic in nature and do not reflect the</p> <p>21 opinions of Adult Swim or Cartoon</p> <p>22 Network."</p> <p>23 And then, again, the Adult Swim, in</p> <p>24 paren, logo appears at the bottom right.</p> <p>25 And I think this clears up the question as</p>	<p>1 A. I'm not exactly sure. It changes</p> <p>2 year to year. At, I think, the time that this</p> <p>3 was broadcast, it would have been somewhere</p> <p>4 around 16 or 17. It's older than that now.</p> <p>5 It's probably 18 or 19. But I would have to</p> <p>6 specifically pull research.</p> <p>7 Q. And you didn't pull the research in</p> <p>8 connection with this deposition?</p> <p>9 A. I looked at a demo breakout but not</p> <p>10 a median age.</p> <p>11 Q. Did you bring that breakout with</p> <p>12 you?</p> <p>13 A. No.</p> <p>14 MS. STARK: We ask that we could get</p> <p>15 a copy of that, whatever it is he looked</p> <p>16 at.</p> <p>17 MR. RIMOKH: I'll take it under</p> <p>18 advisement.</p> <p>19 Q. (By Ms. Stark) You testified</p> <p>20 earlier that you spoke with Seth MacFarlane</p> <p>21 about the episode.</p> <p>22 A. Correct.</p> <p>23 Q. How many times did you speak with</p> <p>24 Seth MacFarlane about the episode?</p> <p>25 A. One or two -- about the specific</p>